IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 32024 of 2006(K)

PETITIONER:

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1. ASSISTANT SECRETARY,THRISSUR CORPORATION
   ELECTRICITY WING, THRISSUR CORPORATION,
   THRISSUR.

2. THRISSUR CORPORATION, REPRESENTED BY
   SECRETARY, THRISSUR CORPORATION,
   THRISSUR.

BY ADV. SRI.K.B.MOHANDAS,SC,THRISSUR CORPORATIO
SRI.LELLULAL T.G.THUNDATHIL
SRI.K.A.SREEJITH
GOVERNMENT PLEADER

RESPONDENTS:

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1. C.P.MATHEW, CHOORAKKUTTIL HOUSE,
   KUTTIPUZHA NAGAR, THRISSUR-4.

2. THE CONSUMER DISPUTES REDRESSAL
   FORUM, THRISSUR, REPRESENTED BY ITS PRESIDENT.

3. THE STATE CONSUMER DISPUTES REDRESSAL
   COMMISSION, SISUVIHAR LANE, VAZHUTHAKADU,
   SASTHAMANGALAM P.O., THIRUVANANTHAPURAM.

ADDL. 4. THE KERALA STATE ELECTRICITY BOARD, VAIDHUDHI BHAVAN,
TRIVANDRUM.

ADDL. 5. THE STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY,
TRIVANDRUM.

ADDL. R4 AND R5 ARE IMPLEADED AS PER ORDER DATED 4.12.2006

ADDL. R4 BY ADV. SRI. C.K. KARUNAKARAN, S.C. FOR K.S.E.B
ADDL. R5 BY G.P. SRI. BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/06/2007, ALONG WITH WPC NO. 25822 OF 2006 WPC NO. 33379 OF 2006 WPC NO. 33342 OF 2006 WPC NO. 33335 OF 2006 WPC NO. 32778 OF 2006 WPC NO. 32035 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC 32024/06)

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF COMMON ORDER DATED 13.10.2005 IN OP 702/04 OF THE CONSUMER DISPUTES REDRESSAL FORUM, THRISSUR.

EXT.P2 TRUE COPY OF THE APPEAL NO. 730/06 FILED CHALLENGED THE ORDER DATED 13.10.2005 IN OP 702/04

EXT.P3 TRUE COPY OF SHOW CAUSE NOTICE DATED 31.3.2006 ISSUED BY THE CDRF, THRISSUR.

EXT.P4 TRUE COPY OF THE ORDER DATED 30.10.2006 IN ABSENT APPLICATION IN EA NO. 103/06 IN OP 702 OF 2004 PASSED BY THE CDRF, THRISSUR.

EXT.P5 TRUE COPY OF THE ORDER DATED 30.10.2006 IN E.A.NO. 103/06 IN OP 702/04 PASSED BY THE CDRF, THRISSUR.

ADDL. R5'S EXHIBITS:

ANNEXURE I COPY OF THE MINUTES OF MEETING CONVENED ON 9.3.2007 IN THE CHAMBER OF HONOURABLE MINISTER FOR LOCAL SELF GOVERNMENT.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 32024,25822,33379
33342,33335,32778 & 32035 OF 2006

Dated this the 27th day of June, 2007

JUDGMENT

These Writ Petitions are filed by the Trichur Municipality challenging the recovery proceedings including arrest of officials of the Municipality ordered by the District Consumer Disputes Redressal Forum. Petitioner has filed appeals and State Commission has granted stay against execution proceedings in some of the cases. However, in remaining cases, stay petitions are not taken up. Petitioner had filed these Writ Petitions only because of arrest order issued by the District Consumer Disputes Redressal Forum against officials of the Municipality before petitioner could move the State Commission.

2. During hearing of these Writ Petitions, it came to the notice of this Court that the Municipality did not raise timely bills on electricity consumers which led to massive loss of public money. In fact, it was further noticed that the Municipality has mis-managed electricity distribution arrangement by incurring huge debt to KSEB and by

simultaneously failing to recover electricity charges from consumers. This Court in fact sought for report of the Government and thought of issuing directions to cancel the licence for distribution of electricity, if the Municipality is found to be unfit to carry on the business efficiently. However, standing counsel for the petitioner has now pointed out that Municipality has set right things and at present all bills are raised in time. He further submitted that entire arrears due to the KSEB is also cleared through settlement.

3. In the circumstances, I leave it open to the Government to cancel the licence if the Municipality at any time is found to be unable to run the business efficiently. So far as recovery cases are concerned, I direct the District Consumer Disputes Redressal Forum, Trichur, to withhold recovery proceedings against Municipality in all these cases for six months from now. There will be direction to the Secretary of the State Consumer Disputes Redressal Commission to group similar appeals filed by the petitioner together based on details to be furnished by the petitioner, post the same before the State Commission at the earliest for disposal. There will also be direction to the State

Commission to proceed to dispose of the appeals within six months from today on merits without posting or hearing the stay petitions as this Court has already granted stay for six months, i.e., until disposal of the appeals.

WPs are disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge